

EXHIBIT 3

***REDACTED VERSION OF
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EXHIBIT 3

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION
4 Case No. 17-cv-00939-WHA
5 -----x
6 WAYMO LLC,
7 Plaintiff,
8 - against -
9 UBER TECHNOLOGIES, INC.; OTTOMOTTO, LLC;
10 OTTO TRUCKING LLC,
11 Defendants.
12 -----x
13
14 HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY
15
16 Videotaped 30(b)(6) Deposition
17 of GARY BROWN, taken by Defendants, held
18 at the offices of Morrison & Foerster LLP,
19 250 West 55th Street, at 9:59 a.m. on August
20 8, 2017, New York, New York, before Jineen
Pavesi, a Registered Professional Reporter,
21 Registered Merit Reporter, Certified Realtime
Reporter and Notary Public of the State of New York.
22
23
24 Job No. 2671217A
25 Pages 1 - 305

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1	A.	Can you repeat the question.	10:48:25AM
2	Q.	Was Waymo's investigation into	10:48:29AM
3	Mr. Levandowski part of any broader		10:48:30AM
4	investigation of other Chauffeur employees		10:48:33AM
5	that included Mr. Radu Raduta and		10:48:35AM
6	Mr. Sameer Kshirsagar?		10:48:40AM
7	MR. BAKER: Same instruction.		10:48:43AM
8	You can answer that yes or no.		10:48:44AM
9	A.	Yes.	10:48:45AM
10	Q.	You cannot testify today as to	10:48:47AM
11	any other Waymo employees being part of		10:48:51AM
12	the investigation, correct?		10:48:55AM
13	MR. BAKER: I am going to		10:48:58AM
14	instruct the witness not to answer on		10:48:58AM
15	grounds of attorney-client privilege and		10:49:00AM
16	work product.		10:49:01AM
17	Q.	Are you following your	10:49:04AM
18	counsel's instruction?		10:49:05AM
19	A.	I am.	10:49:06AM
20	Q.	Who at Waymo has access to the	10:49:29AM
21	SVN log in the ordinary course of		10:49:31AM
22	business?		10:49:33AM
23	A.	The administrator.	10:49:39AM
24	Q.	And that administrator is	10:49:41AM
25	Mr. [REDACTED]?		10:49:43AM

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1	A.	That is correct.	10:49:45AM
2	Q.	Are there any other	10:49:45AM
3		administrators?	10:49:46AM
4	A.	Not that I know of.	10:49:51AM
5	Q.	Has Mr. [REDACTED] been the	10:49:54AM
6		administrator of the SVN log since January	10:49:56AM
7		of 2015?	10:50:02AM
8	A.	I don't believe so.	10:50:05AM
9	Q.	Who has been the administrator	10:50:09AM
10		of the SVN log from January 2015 forward,	10:50:10AM
11		if not Mr. [REDACTED]	10:50:14AM
12	A.	[REDACTED] was the previous	10:50:20AM
13		administrator.	10:50:22AM
14	Q.	And when was [REDACTED] the	10:50:26AM
15		administrator for the SVN log?	10:50:30AM
16	A.	I believe from the inception of	10:50:38AM
17		the server in early 2015 through the	10:50:39AM
18		summer, June or July, 2015 -- sorry, no,	10:50:46AM
19		June, July 2016.	10:50:55AM
20	Q.	And after June or July of 2016,	10:51:00AM
21		[REDACTED] took on responsibilities	10:51:03AM
22		for administering the SVN log, is that	10:51:06AM
23		correct?	10:51:10AM
24	A.	That is correct.	10:51:10AM
25	Q.	You do not have access to the	10:51:22AM

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1	SVN log in the ordinary course of	10:51:23AM
2	business, is that correct?	10:51:25AM
3	MR. BAKER: Objection to form.	10:51:29AM
4	A. That is correct.	10:51:31AM
5	Q. So as part of Waymo's	10:51:34AM
6	investigation, someone gave you a copy of	10:51:35AM
7	the SVN log, is that correct?	10:51:37AM
8	A. That is correct.	10:51:41AM
9	Q. And that person, the person who	10:51:44AM
10	gave you a copy of the SVN log was	10:51:46AM
11	Mr. [REDACTED] correct?	10:51:49AM
12	A. No.	10:51:53AM
13	Q. Who gave you a copy of the SVN	10:51:54AM
14	log?	10:51:56AM
15	MR. BAKER: I am going to	10:52:00AM
16	caution the witness not to reveal the	10:52:00AM
17	substance of any attorney-client	10:52:03AM
18	communication, but you can give a name.	10:52:04AM
19	A. [REDACTED].	10:52:07AM
20	Q. When did Mr. [REDACTED] give you	10:52:08AM
21	the SVN log?	10:52:10AM
22	MR. BAKER: You can give a	10:52:11AM
23	date.	10:52:12AM
24	A. February 21st, 20th or 21st,	10:52:13AM
25	2017.	10:52:25AM

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1	February 23rd, 2017.	10:54:02AM
2	Q. So your analysis of other log	10:54:11AM
3	sources that corroborated the download	10:54:13AM
4	activity took place in 2016, correct?	10:54:16AM
5	A. And 2017.	10:54:20AM
6	Q. The analysis you did with	10:54:23AM
7	respect to corroborating the download	10:54:25AM
8	activity in 2016 was performed without a	10:54:28AM
9	copy of the SVN log, is that correct?	10:54:34AM
10	A. That is correct.	10:54:37AM
11	Q. Did somebody tell you that	10:54:40AM
12	Mr. Levandowski had downloaded files from	10:54:43AM
13	the SVN server in 2016?	10:54:46AM
14	MR. BAKER: You can answer that	10:54:50AM
15	yes or no.	10:54:51AM
16	A. Yes.	10:54:52AM
17	Q. Who told you that?	10:54:53AM
18	MR. BAKER: You can give a	10:55:00AM
19	name.	10:55:00AM
20	A. [REDACTED].	10:55:01AM
21	Q. Do you know how Mr. [REDACTED] knew	10:55:03AM
22	that Anthony Levandowski had downloaded	10:55:08AM
23	files?	10:55:10AM
24	MR. BAKER: You can answer that	10:55:14AM
25	yes or no.	10:55:14AM

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1 Q. You also mentioned lock-down; 03:25:35PM
2 what is that? 03:25:37PM
3 A. Lock-down will prevent any 03:25:37PM
4 unknown or any unapproved binaries from 03:25:44PM
5 running on a system that is running in 03:25:49PM
6 lock-down mode. 03:25:52PM
7 Q. So if I have an executable that 03:25:54PM
8 [REDACTED] doesn't recognize, it says it can't 03:25:58PM
9 use it? 03:26:00PM
10 A. Yes. 03:26:00PM
11 Q. How do you get to be able to 03:26:01PM
12 use it? 03:26:04PM
13 A. [REDACTED] [REDACTED]
14 [REDACTED] [REDACTED]
15 [REDACTED] [REDACTED]
16 [REDACTED] [REDACTED]
17 [REDACTED] [REDACTED]
18 [REDACTED] [REDACTED]
19 [REDACTED] [REDACTED]
20 [REDACTED] [REDACTED]
21 [REDACTED] [REDACTED]
22 [REDACTED] [REDACTED]
23 [REDACTED] [REDACTED]
24 [REDACTED] [REDACTED]
25 [REDACTED] 03:26:38PM

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1	paragraph in Mr. [REDACTED] e-mail, he	04:07:47PM
2	says that "On September 19, 2016, Waymo	04:07:53PM
3	pulled SVN log data, which dated back to	04:07:57PM
4	September 19, 2015, due to the 52-week	04:08:00PM
5	retention in place."	04:08:04PM
6	Do you see that?	04:08:06PM
7	A. I do see that.	04:08:10PM
8	Q. Are you aware of any 52-week	04:08:11PM
9	retention for the SVN log data?	04:08:13PM
10	A. I believe I said retention was	04:08:22PM
11	set to a year and then that was suspended	04:08:23PM
12	as of fall 2016, to my knowledge; I	04:08:27PM
13	believe I said that earlier in this	04:08:29PM
14	deposition, way earlier.	04:08:35PM
15	Q. So I asked you all of the log	04:08:37PM
16	data is available today and you said to my	04:08:39PM
17	knowledge, yes; was that a correct or	04:08:41PM
18	incorrect statement?	04:08:42PM
19	A. I thought it was correct.	04:08:48PM
20	Q. So do you believe it to be	04:08:49PM
21	correct or do you believe Mr. [REDACTED]	04:08:50PM
22	comment to be correct?	04:08:52PM
23	MR. BAKER: Objection to form.	04:08:53PM
24	A. Perhaps --	04:09:01PM
25	THE WITNESS: I have a privilege	04:09:08PM

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1	question on this thing.	04:09:09PM
2	MR. BAKER: Sure.	04:09:10PM
3	THE VIDEO TECHNICIAN: Time is	04:09:12PM
4	4:09 p.m.	04:09:13PM
5	We're off the record.	04:09:13PM
6	(Witness and counsel left the	04:09:15PM
7	hearing room to confer.)	04:09:16PM
8	(Pause.)	04:09:16PM
9	(Witness and counsel returned	04:09:16PM
10	to the hearing room.)	04:23:09PM
11	THE VIDEO TECHNICIAN: Time is	04:23:09PM
12	4:23 p.m.	04:23:27PM
13	We are on the record.	04:23:28PM
14	BY MR. CHATTERJEE:	04:23:29PM
15	Q. I think the question pending	04:23:33PM
16	was do you believe your prior testimony to	04:23:34PM
17	be correct or do you believe	04:23:38PM
18	Mr. [REDACTED] comment to be correct	04:23:39PM
19	with respect to that first sentence of the	04:23:40PM
20	third paragraph?	04:23:44PM
21	A. I think I'm definitely	04:23:45PM
22	deferring to what Mr. [REDACTED] said;	04:23:49PM
23	from my discussions with the Subversion	04:23:51PM
24	server administrators, I was under the	04:23:59PM
25	impression that -- when I gave that kind	04:24:01PM

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1 of long sled of summer 2016, the logs were 04:24:05PM
2 pulled and coupled with the one-year 04:24:13PM
3 retention and my knowledge that the 04:24:14PM
4 Subversion server had been launched, to my 04:24:17PM
5 knowledge, I think in May or June or 04:24:19PM
6 summer of 2015, in my mind it was like, 04:24:22PM
7 oh, it goes back a year obviously to the 04:24:25PM
8 start. 04:24:28PM

9 But I definitely defer to Jeff 04:24:32PM
10 and I have never seen this document, but 04:24:34PM
11 seeing that, if he says that indefinite 04:24:37PM
12 retention was started in the early spring 04:24:43PM
13 of 2017 and not the fall of 2016, I have 04:24:47PM
14 to go with that as well, because these are 04:24:50PM
15 hard dates. 04:24:53PM

16 I was providing like three, 04:24:54PM
17 four month sleds. 04:24:56PM

18 Q. Have you done any investigation 04:24:58PM
19 into the accuracy of Mr. [REDACTED] 04:25:00PM
20 comments in this letter? 04:25:02PM

21 A. I have never seen this letter 04:25:08PM
22 until you put it in front of me. 04:25:09PM

23 Q. Who would know whether the 04:25:10PM
24 statements in Mr. [REDACTED] letter are 04:25:13PM
25 accurate or not, other than 04:25:15PM

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1	Do you see that?	04:26:18PM
2	A. I do.	04:26:19PM
3	[REDACTED]	
4	[REDACTED]	
5	[REDACTED]	
6	[REDACTED]	
7	[REDACTED]	
8	[REDACTED]	
9	[REDACTED]	
10	[REDACTED]	
11	[REDACTED]	
12	[REDACTED]	
13	[REDACTED]	
14	[REDACTED]	
15	[REDACTED]	
16	[REDACTED]	
17	MR. BAKER: Objection to form.	04:27:05PM
18	A. Also, as a professional log	04:27:09PM
19	diver, I'll call myself, when we're doing	04:27:13PM
20	investigations, we don't keep things that	04:27:17PM
21	are not deemed explicitly relevant for	04:27:24PM
22	what we are trying to prove.	04:27:26PM
23	It is bad data stewardship, it	04:27:31PM
24	takes up space, and it makes noise.	04:27:34PM
25	Q. What were you asked to prove	04:27:36PM

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1	here?	04:27:38PM
2	MR. BAKER: Objection, I am	04:27:39PM
3	going to caution you not to reveal the	04:27:43PM
4	substance of any attorney-client	04:27:44PM
5	communications.	04:27:46PM
6	If you can answer that question	04:27:46PM
7	without doing that, please do.	04:27:48PM
8	A. I did not pull the SVN log	04:27:52PM
9	data, I'm just speaking to the frame of	04:27:55PM
10	mind of why the entirety of all users'	04:27:56PM
11	logs may not be present.	04:28:04PM
12	For example, in what I've	04:28:05PM
13	produced to support my declaration, I'm	04:28:07PM
14	not pulling and presenting the [REDACTED] logs	04:28:10PM
15	of any of a hundred thousand other Google	04:28:13PM
16	employees because it is simply not	04:28:16PM
17	relevant to the investigation at hand.	04:28:18PM
18	Q. That wasn't my question.	04:28:20PM
19	What were you being asked to	04:28:25PM
20	prove as part of your forensic	04:28:26PM
21	investigation?	04:28:27PM
22	MR. BAKER: Same instruction	04:28:27PM
23	and also objection to the form.	04:28:28PM
24	A. These logs showed that 14,000	04:28:33PM
25	files and change were downloaded on	04:28:36PM

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1 MR. BAKER: Objection to form, 05:14:49PM
2 counsel. 05:14:51PM

3 A. Do you have anything that says 05:14:54PM
4 that this didn't happen; the device was 05:14:55PM
5 attached, it was attached for a period of 05:14:58PM
6 eight hours. 05:15:00PM

7 I did search for this device 05:15:01PM
8 earlier in the logs and in my grep-ing I 05:15:02PM
9 couldn't find any indication of having 05:15:07PM
10 done so prior, that's anomalous. 05:15:09PM

11 Q. You want to make sure you knew 05:15:13PM
12 everything you possibly could about card 05:15:15PM
13 readers in Chauffeur before this kind of 05:15:17PM
14 an accusation was made, right? 05:15:19PM

15 MR. BAKER: Objection to form. 05:15:22PM

16 A. Nothing in my declaration is 05:15:23PM
17 not factual. 05:15:25PM

18 Q. Did you do any investigation as 05:15:27PM
19 to whether card readers were used by 05:15:29PM
20 Project Chauffeur? 05:15:31PM

21 MR. BAKER: Objection to form. 05:15:33PM

22 A. No. 05:15:34PM

23 Q. Did you ever check to see if 05:15:35PM
24 people in Chauffeur used digital cameras 05:15:39PM
25 or video cameras or Go Pros as part of 05:15:42PM

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1 his laptops be relevant when you're trying 05:16:49PM
2 to make an assessment whether his behavior 05:16:52PM
3 was usual or unusual? 05:16:54PM

4 MR. BAKER: Objection to form. 05:16:56PM

5 A. We had assessed behavior and we 05:16:58PM
6 had a series of events in the month of 05:16:59PM
7 December that were very much anomalous and 05:17:01PM
8 this was just the cherry on top of more 05:17:03PM
9 anomalous activity that seemed to suggest 05:17:07PM
10 that ex-filtration was occurring. 05:17:12PM

11 Q. But you don't know that because 05:17:15PM
12 you didn't look at the desktop, did you? 05:17:16PM

13 MR. BAKER: Objection to form. 05:17:17PM

14 A. The desktop isn't where all the 05:17:18PM
15 activity was happening. 05:17:20PM

16 All this unusual activity was 05:17:21PM
17 happening on the Windows machine and I do 05:17:23PM
18 wish that we had been able to retain the 05:17:25PM
19 Windows laptop for a top-to-bottom 05:17:28PM
20 analysis, but unfortunately someone 05:17:30PM
21 reimaged it before they left. 05:17:34PM

22 Q. So you have the [REDACTED] log data 05:17:35PM
23 for that desktop, right? 05:17:38PM

24 A. Which desktop are we speaking 05:17:42PM
25 of? 05:17:43PM

1 C E R T I F I C A T I O N
2

3 I, Jineen Pavesi, a Registered
4 Professional Reporter, Registered Merit
5 Reporter, Certified Realtime Reporter and
6 a Notary Public, do hereby certify that
7 the foregoing witness, GARY BROWN, was
8 duly sworn on the date indicated, and that
9 the foregoing is a true and accurate
10 transcription of my stenographic notes.

11 I further certify that I am not employed
12 by nor related to any party to this
13 action.

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A handwritten signature in black ink that reads "Jineen Pavesi, RPR, RMR".

23 JINEEN PAVESI, RPR, RMR, CRR
24
25